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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

No. D-5121

SHELTON E. SHARPE, M.D.
P.O. Box 1294
Carmichael, CA 95609
Physician and Surgeon
Certificate No. G 051390

STIPULATION, DECISION
AND ORDER

Respondent.

IT IS HEREBY STIPULATED by the parties to the above-
entitled matter that the following is true:

1. Respondent Shelton E. Sharpe, M.D. (hereinafter
"respondent") was issued physician and surgeon certificate number
G 051390 On October 3, 1983 by the Medical Board of California.
At all time pertinent herein, said certificate was and currently
is, in full force and effect.

2. On March 2, 1993, an accusation bearing number
D-5121 was filed by Dixon Arnett, Executive Director of the
Medical Board of California (hereinafter "Board") solely in his

1 official capacity. Said accusation listed causes for
2 disciplinary action against respondent, and said accusation is
3 incorporated by reference as though fully set forth at this
4 point. Respondent was duly and properly served with Accusation
5 No. D-5121 by certified mail, and respondent filed a timely
6 notice of defense requesting a hearing on the charges contained
7 in the accusation.

8 3. Respondent has retained as counsel, Francis
9 Grunder, Law Offices of James Jay Seltzer. Respondent has fully
10 discussed with her counsel the charges and allegations of
11 violation of the California Business and Professions Code alleged
12 in Accusation No. D-5121 and has been fully advised of her rights
13 under the Administrative Procedure Act of the State of
14 California, including her right to a formal hearing and
15 opportunity to be defend against the charges contained therein,
16 and reconsideration and appeal of any adverse decision that might
17 be rendered following said hearing. Said respondent knowingly
18 and intelligently waives her rights to a hearing,
19 reconsideration, appeal and to any and all other rights which may
20 be accorded her pursuant to the Administrative Procedure Act
21 regarding the charges contained in Accusation No. D-5121, subject
22 to the provisions of paragraph 6.

23 4. Respondent admits the following:

24 A. In 1989, respondent was a second year resident
25 in psychiatry at Napa State Hospital. She was assigned to work
26 eight (8) hours a day, day shift (8:00 a.m. to 5:00 p.m.), four
27 days a week at Solano County Mental Health in Vallejo.

1 Respondent received compensation on a monthly basis from the
2 state for her work.

3 B. During 1989, respondent also worked at Solano
4 County Mental Health as an independent contractor and received
5 compensation from the Solano County Mental Health Department.

6 C. Respondent worked and received compensation
7 from Solano County Mental Health Department for the same hours
8 she was also being paid for working as part of her residency
9 program. (Respondent "moonlighted" during the day when she was on
10 hospital time.)

11 D. Respondent did not receive permission to
12 "moonlight" during hospital time. Respondent's conduct in
13 drawing two (2) salaries for the same hours was in violation of
14 hospital policy. At the time of her employment respondent signed
15 an acknowledgement of receipt of the "Statement of Incompatible
16 Activities" for employees. Said Statement provides, in part:

17 "II. PROHIBITED ACTIVITIES

18 The following activities of employees of the
19 Department of Mental Health are hereby declared to be
20 inconsistent, incompatible, in conflict with, or
inimical to duties and as such as prohibited:

21 A. No employee shall provide his/her
22 service for salary, honorarium, compensation
23 of any nature from any person so that such
24 employee is receiving dual compensation from
the State and/or from another source for the
same period of time. This does not apply to
employees while they are on vacation, com-
pensating time off, or military leave."

25 E. During 1989, respondent did not report any
26 vacation time or compensating time off to Napa State Hospital.
27 On October 19, 20, 26, and 27, 1989, respondent used sick leave,

1 eight hours each day. On those same dates, respondent worked and
2 received compensation from the Solano County Mental Health
3 Department.

4 F. Respondent's conduct as set forth hereinabove
5 constitutes unprofessional conduct in violation of Business and
6 Professions Code section 2234.

7 5. It is stipulated and agreed by and between the
8 parties that the admissions herein are deemed true only for the
9 purpose of this proceeding and any other proceeding before the
10 Medical Board.

11 6. In the event that this Stipulation, Decision, and
12 Order is not accepted and adopted by the Medical Board, the
13 stipulation and characterizations of law and fact made by all
14 parties herein shall be null and void and inadmissible in any
15 proceeding involving the parties to it.

16 WHEREFORE, it is stipulated that the Medical Board of
17 California may issue the following Decision and Order:

18 Physician and Surgeon's certificate number G 051390
19 issued to respondent Shelton E. Sharpe, M.D. is revoked.
20 However, revocation is stayed and respondent is placed on
21 probation for two (2) years with the following terms and
22 conditions:

23 1. Within sixty (60) days of the effective date of
24 this decision, respondent shall submit to the Division for its
25 prior approval a course in Ethics, which respondent shall
26 successfully complete during the first year of probation.

27 2. Respondent shall obey all federal, state and local

1 laws, and all rules governing the practice of medicine in
2 California.

3 3. Respondent shall submit quarterly declarations
4 under penalty of perjury on forms provided by the Board stating
5 whether there has been compliance with all the conditions of
6 probation.

7 4. Respondent shall comply with the Board's probation
8 surveillance program.

9 5. Respondent shall appear in person for interviews
10 with the Board or its designee upon request at various intervals
11 and with reasonable notice.

12 6. Respondent shall be prohibited from supervising
13 physician's assistants during the period of probation.

14 7. The period of probation shall not run during the
15 time respondent is residing or practicing outside the
16 jurisdiction of California. If, during probation, respondent
17 moves out of the jurisdiction of California to reside or practice
18 elsewhere, respondent is required to immediately notify the
19 Division in writing of the date of departure, and the date of
20 return, if any.

21 8. Upon successful completion of probation,
22 respondent's certificate will be fully restored.

23 9. If respondent violates probation in any respect,
24 the Division, after giving respondent notice and the opportunity
25 to be heard, may revoke probation and carry out the disciplinary
26 order that was stayed. If an accusation or petition to revoke
27 probation is filed against respondent during probation, the

1 Division shall have continuing jurisdiction until the matter is
2 final, and the period of probation shall be extended until the
3 matter is final.

4 10. Respondent acknowledges that she shall not be
5 allowed to withdraw from this stipulation unless it is rejected
6 by the Division.

7 DATED: *November 12, 1993*

DANIEL E. LUNGREN, Attorney General
of the State of California
JANA L. TUTON,
Supervising Deputy Attorney
General

11 *Gail M. Heppell*
12 GAIL M. HEPPELL
13 Deputy Attorney General
14 Attorneys for Complainant

15 DATED: *November 12, 1993*

Law Offices James Jay Seltzer

17 *Frances T. Grunder*
18 Frances T. Grunder
19 Attorneys for Respondent
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I HAVE READ this Stipulation, Decision and

I understand that I have the right to a hearing on the charge
contained in the accusation, the right to cross-examine
witnesses, and the right to introduce evidence in mitigation. I
knowingly and intelligently waive all of these rights, and
understand that by signing this stipulation, I am permitting the
Medical Board of California to discipline my license. I
understand the terms and ramifications of the Stipulation,
Decision and Order, and agree to be bound by its terms.

DATED:

11 November 1993


SHELTON SHARPE, M.D.
Respondent

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JANA L. TUTON, Supervising
Deputy Attorney General
3 GAIL M. HEPPELL
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DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
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10 In the Matter of the Accusation) No. D-5121
11 Against:)

12 SHELTON E. SHARPE, M.D.)
P.O. Box 1294)
13 Carmichael, CA 95609 - 1294)
Physician and Surgeon)
14 Certificate No. G 051390)

ACCUSATION

15 Respondent.)
16

17 Complainant, Dixon Arnett, alleges as follows:

18 1. He is the Executive Director of the Medical Board
19 of California (hereinafter "Board") and makes and files this
20 accusation solely in his official capacity.

21 2. On October 3, 1983, respondent Shelton E. Sharpe,
22 M.D. (hereinafter "respondent") was issued physician and surgeon
23 certificate number G 051390 by the Board. At all time pertinent
24 herein, said certificate was and currently is, in full force and
25 effect.

26 3. Sections 2220 and 2234 of the Business and
27 Professions Code (hereinafter "Code") provides, in pertinent

1 part, that the Division of Medical Quality may take action
2 against the holder of a physician's and surgeon's certificate who
3 is guilty of unprofessional conduct.

4 4. Section 2234, subdivision (e), of the Code
5 provides that the commission of any act involving dishonesty or
6 corruption which is substantially related to the qualifications,
7 functions, or duties of a physician and surgeon constitutes
8 unprofessional conduct.

9 5. Respondent is subject to disciplinary action
10 pursuant to Code sections 2220 and 2234 in that he has been
11 guilty of unprofessional conduct within the meaning of sec-
12 tion 2234 (e) as follows:

13 A. In 1989, respondent was a second year resident
14 in psychiatry at Napa State Hospital. He was assigned to work
15 eight (8) hours a day, day shift (8:00 a.m. to 5:00 p.m.), four
16 days a week at Solano County Mental Health in Vallejo.
17 Respondent received compensation on a monthly basis from the
18 state for his work.

19 B. During 1989, respondent also worked at Solano
20 County Mental Health as an independent contractor and received
21 compensation from the Solano County Mental Health Department.

22 C. Respondent worked and received compensation
23 from Solano County Mental Health Department for the same hours he
24 was also being paid for working as part of his residency program.
25 (Respondent "moonlighted" during the day when he was on hospital
26 time.)

27 ///

1 D. Respondent did not receive permission to
2 "moonlight" during hospital time. Respondent's conduct in
3 drawing two (2) salaries for the same hours was in violation of
4 hospital policy. At the time of his employment respondent signed
5 an acknowledgement of receipt of the "Statement of Incompatible
6 Activities" for employees. Said Statement provides, in part:

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8 The following activities of employees of the
9 Department of Mental Health are hereby declared to be
10 inconsistent, incompatible, in conflict with, or
11 inimical to duties and as such as prohibited:

12 A. No employee shall provide his/her
13 service for salary, honorarium, compensation
14 of any nature from any person so that such
15 employee is receiving dual compensation from
16 the State and/or from another source for the
17 same period of time. This does not apply to
18 employees while they are on vacation, com-
19 pensating time off, or military leave."

20 E. During 1989, respondent did not report any
21 vacation time or compensating time off to Napa State Hospital.
22 On October 19, 20, 26, and 27, 1989, respondent used sick leave,
23 eight hours each day. On those same dates, respondent worked and
24 received compensation from the Solano County Mental Health
25 Department.

26 WHEREFORE, complainant prays that the Division of
27 Medical Quality hold a hearing on the matters alleged herein and
28 following said hearing issue decision:

29 1. Revoking or suspending physician and surgeon's
30 certificate number G 051390 heretofore issued to respondent
31 Sheldon E. Sharpe, M.D.

32 ///

1 2. Prohibiting respondent from supervising
2 physician's assistants.

3 3. Taking such other and further action as it deems
4 proper.

5 DATED: March 2, 1993

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8 DIXON ARNETT
9 Executive Director
 Medical Board of California
 State of California

10 Complainant
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